

Maine Revised Statutes
Title 37-B: DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT HEADING: PL 1997, c. 455, §9 (rpr)

Chapter 3: MILITARY BUREAU

§343. PARENTAL RIGHTS AND RESPONSIBILITIES; PARENT ON ACTIVE DUTY

1. Departure under military orders. A court may not consider departure from the family residence or absence from the child or children as an adverse factor in determining parental rights and responsibilities with respect to a minor child when the departing parent is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and whose absence is due to compliance with military orders.

[2005, c. 353, §4 (NEW) .]

2. Change of residence of child prohibited when parent under military orders. A court may not order a change of the primary physical residence of a child when one of the child's parents is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days and whose absence from the State is due to compliance with military orders unless the change is in the best interest of the child.

[2005, c. 353, §4 (NEW) .]

3. Application. This section applies only if the service of the member referred to in subsection 1 or subsection 2 is in support of:

A. An operational mission for which members of the reserve components have been ordered to active duty without their consent; or [2005, c. 353, §4 (NEW) .]

B. Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress. [2005, c. 353, §4 (NEW) .]

[2005, c. 353, §4 (NEW) .]

SECTION HISTORY

2005, c. 353, §4 (NEW) .

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